

HB0020S01 compared with HB0020

~~{deleted text}~~ shows text that was in HB0020 but was deleted in HB0020S01.

inserted text shows text that was not in HB0020 but was inserted into HB0020S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Kera Birkeland proposes the following substitute bill:

PARENTAL RIGHTS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: {}Kera Birkeland

Senate Sponsor: {}Luz Escamilla

LONG TITLE

~~{Committee Note:~~

~~———— The Judiciary Interim Committee recommended this bill.~~

~~———— Legislative Vote: 15 voting for 0 voting against 2 absent~~

~~{General Description:~~

This bill addresses the voluntary relinquishment of parental rights.

Highlighted Provisions:

This bill:

- ▶ clarifies the requirements and procedure for an individual to consent to the termination of parental rights or voluntarily relinquish parental rights.

Money Appropriated in this Bill:

None

Other Special Clauses:

HB0020S01 compared with HB0020

None

Utah Code Sections Affected:

AMENDS:

80-4-307, as last amended by Laws of Utah 2022, Chapter 274

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **80-4-307** is amended to read:

80-4-307. Voluntary relinquishment -- Irrevocable.

(1) The individual consenting to termination of parental rights or voluntarily relinquishing parental rights shall sign [~~or confirm~~] the consent or relinquishment, or confirm a consent or relinquishment previously signed by the individual, under oath before:

(a) a judge of any court that has jurisdiction over proceedings for termination of parental rights in this state or any other state, or a public officer appointed by that court for the purpose of taking consents or relinquishments; or

(b) except as provided in Subsection (2), any person authorized to take consents or relinquishments under Subsections 78B-6-124(1) and (2).

(2) Only the juvenile court is authorized to take consents or relinquishments from a parent who has any child who is in the custody of a state agency or who has a child who is otherwise under the jurisdiction of the juvenile court.

(3) (a) The court, appointed officer, or other authorized person shall certify to the best of that person's information and belief that the individual executing the consent or relinquishment, or confirming a consent or relinquishment previously signed by the individual, has read and understands the consent or relinquishment and has signed the consent or relinquishment freely and voluntarily.

(b) A consent or relinquishment is not effective until the consent or relinquishment is certified pursuant to Subsection (3)(a).

(4) [~~A voluntary relinquishment or consent for termination of parental rights is effective when the voluntary relinquishment or consent is signed and may not be revoked.~~] {At the time that an individual consenting to termination of parental rights or voluntarily relinquishing parental rights signs a voluntary} A consent or relinquishment {for consent for termination of parental rights, that relinquishment or consent is effective as against that} that

HB0020S01 compared with HB0020

has been certified pursuant to Subsection (3)(a) is effective against the consenting or relinquishing individual and may not be revoked ~~without the court's approval~~.

(5) (a) The requirements and processes described in Section 80-4-104, Sections 80-4-301 through 80-4-304, and Part 2, Petition for Termination of Parental Rights, do not apply to a voluntary relinquishment or consent for termination of parental rights.

(b) When determining voluntary relinquishment or consent for termination of parental rights, the juvenile court need only find that the relinquishment or termination is in the child's best interest.

(6) (a) There is a presumption that voluntary relinquishment or consent for termination of parental rights is not in the child's best interest where it appears to the juvenile court that the primary purpose for relinquishment or consent for termination is to avoid a financial support obligation.

(b) The presumption described in Subsection (6)(a) may be rebutted if the juvenile court finds the relinquishment or consent to termination of parental rights will facilitate the establishment of stability and permanency for the child.

(7) Upon granting a voluntary relinquishment the juvenile court may make orders relating to the child's care and welfare that the juvenile court considers to be in the child's best interest.

Section 2. **Effective date.**

This bill takes effect on May 1, 2024.